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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 7th March, 1974:—

BILL No. 5 OF 1974

A Bill to provide for the welfare of agricultural workers in the country.

BE it enacted by Parliament in this Twenty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Indian Agricultural Workers Act, 1974. Short title, extent and commencement.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "agricultural dispute" means any dispute or difference between landowners and landowners or between landowners and agricultural workers which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person;

Explanation.—Where any landowner discharges, dismisses, retrenches or otherwise terminates the services of an individual agricultural worker, any dispute or difference between that worker and

his employer connected with, or arising out of such discharge, dismissal, retrenchment or termination shall be deemed to be an agricultural dispute notwithstanding that no other agricultural worker nor any union of agricultural workers is a party to the dispute;

(*b*) "agricultural worker" means a person who, in consideration of wages payable to him by a landowner, works on the agricultural land of such landowner;

(*c*) "landowner" means,—

(*1*) in relation to a land personally cultivated, the owner of such land;

(*2*) in relation to a land held by a cultivating tenant, such cultivating tenant;

(3) in any other case, the person in actual possession of the land;

and includes his heirs, assignees and legal representatives;

(*d*) "prescribed wages" means,—

(*i*) wages at such rate, whether payable in cash or in kind, not being less than the minimum rate of wages fixed or revised under the Minimum Wages Act, 1948, or 11 of 1948.

(*ii*) the agreed rate of wages,

whichever is higher;

(*e*) "wages" means all remuneration, whether payable in cash or in kind, which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include—

(*i*) the value of—

(*a*) any house accommodation, supply of light, water or medical attendance; or

(*b*) any other amenity or any service excluded from the computation of wages by a general or special order of the Government;

(*ii*) any contribution paid by the employer under any scheme framed under any law for the time being in force;

(*iii*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment.

CHAPTER II

WELFARE

Measures for welfare of agricultural workers.

3. The Central Government shall take appropriate measures to provide for the welfare of agricultural workers and to regulate the conditions of their work for ensuring—

(1) A Minimum Living Wage, which shall be linked with the cost of living index and which shall not in any case be less than the minimum rate of wages fixed under the Minimum Wages Act, 1948;

(2) protection against dismissal, retrenchment, discharge, termination of service of individual agricultural workers;

(3) establishment of an Agricultural Workers' Welfare Fund;

(4) security of employment of agricultural workers;

(5) the setting up of a conciliation machinery for settlement of agricultural disputes;

(6) fixation of the hours of work for an adult agricultural worker which shall not exceed 8 hours in a day;

(7) payment of prescribed wages and recovery of money due from the land owners;

(8) the provision of penalties for violation of the conditions of service by the land owners;

(9) maintenance of a Register of Agricultural Workers.

STATEMENT OF OBJECTS AND REASONS

The agricultural labourers who constitute more than 34 per cent of the total population have no security or protection relating to their wages, discharge, dismissal, etc. They are the most unprotected section of the people left to the mercy of the landowners. A bulk of this agricultural labourers belong to the Scheduled Castes and Scheduled Tribes who are subjected to all types of exploitation and social oppression by different section of the people in the rural sector who almost monopolise the advantages of all developmental schemes of the Government and maximize their profits at the cost of the agricultural labour.

The working force in the rural agricultural sector according to 1961 census is 134.3 million. To meet the challenge of underemployment and to ameliorate the pitiable condition of the agricultural labourers revealed in the Agricultural Labour Enquiries, it is necessary to have a legislation in this regard.

It is also necessary to provide for a stable pattern of working relationship between the owners and agricultural labourers by developing some new institutions and reforming the existing ones for regulation of service conditions, machinery, for the settlement of disputes, and welfare of workers.

It is also necessary to create a climate of enduring industrial harmony conducive to increased productivity, which is the proclaimed object of development.

Also, in spite of the Directive Principles under Article 39 of the Constitution which enjoin upon each State that it shall direct its policy for securing for both men and women the right to have adequate means of livelihood though agriculture is included as one of the employments in the Schedule appended to the Minimum Wages Act, enacted in 1948 for fixation of minimum wages, the said legislation not only remained a dead letter in many States but is also suffers from inherent inadequacies. 11 of 1948.

So it is necessary that the Centre should take the initiative to enforce the Directive Principles of the Constitution for the welfare of the agricultural labour.

NEW DELHI;
The 28th November, 1973.

D. K. PANDA.

FINANCIAL MEMORANDUM

Clause 3 of the Bill, *inter alia*, provides for setting up of conciliation machinery for settlement of agricultural disputes, maintenance of a Register of Agricultural Workers, establishment of Agricultural Workers' Welfare Fund, and other welfare measures for which necessary official machinery will be required. Therefore, the Bill, if enacted, is likely to involve a recurring expenditure of about rupees five lakhs from the Consolidated Fund of India, particularly, in respect of Union territories.

A non-recurring expenditure of about rupees two lakhs is also likely to be involved.

BILL NO. 6 OF 1974

A Bill further to amend the Prevention of Food Adulteration Act, 1954.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1974.

Insertion of new section 16A.

2. After section 16 of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as the principal Act), the following new section shall be inserted, namely:— 37 of 1954.

Name of guilty manufacturer, distributor, dealer or vendor to be published.

"16A. Where a manufacturer, distributor, dealer or vendor is prosecuted and found to be guilty of manufacturing, distributing dealing in or selling any adulterated or misbranded article of food, his name along with the name of the firm or company concerned shall be publicised in a suitable manner highlighting the offence committed by him for the information of the public at large and for warning the public against buying and consuming the articles manufactured, produced or sold by such manufacturer, distributor, dealer or vendor.".

Substitution of section 20A.

3. For section 20A of the principal Act, the following section shall be substituted, namely:—

Power of court to implead manufacturer, etc.

"20A. Where at any time during the trial of any offence under this Act alleged to have been committed by any person, not being the manufacturer, distributor or dealer of any article of food, teh court is satisfied that such manufacturer, distributor or dealer is also concerned with taht offence, then the court shall, notwithstanding anything contained in sub-section (*1*) of section 351 of the Code of Criminal Procedure, 1898, or in section 20, proceed against him as though a prosecution had been instituted against him under section 20.".

Insertion of new section 20B.

4. After section 20A of the principal Act, the following section shall be inserted, namely:—

Court to proceed against manufacturer, distributor or dealer in certain cases.

"20B. Where under section 19, a vendor is found not to have committed an offence pertaining to the sale of any adulterated or misbranded article of food or where the adulterated article bears an Indian Standard Institute certificate and it is proved that the vendor had stored the article of food properly while in his possession and sold it in the same state as he purchased it, the court shall proceed against the manufacturer, distributor or dealer of such adulterated article of food as though a prosecution had been instituted against him under section 20.".

STATEMENT OF OBJECTS AND REASONS

Of late, the menace of food adulteration has assumed alarming proportions involving grave risks to public health. Particularly in urban areas this evil is more rampant. Out of the 65 samples of besan collected by the Delhi Municipal Corporation during the period from the 1st June, 1973 to 30th July, 1973, 42 samples were found adulterated with 'Kesari Dal' and 2 with insect infestation. The extent of adulteration ranged from 5 per cent to 80 per cent. The experts are of the view that the excessive consumption of 'Kesari Dal' causes 'lathyrism' which is a neurological disorder characterised by paralysis and particularly affects young adults.

Laboratory tests have revealed that date husk, black gram husk, grit, saw dust are common adulterants in coffee and tea. Similarly, rancid stuff, cheaper oils and mineral oils are the common adulterants in edible oils.

It is necessary to curb this evil practice with an iron hand. The spiralling prices, the shortages and the opportunities to make quick money in the black market were responsible for such excessive adulteration. Added to this socio-economic climate were the lacunae in implementing laws. The manufacturers, distributors or dealers of adulterated or misbranded articles of food often escape the law and the petty vendor is punished. It is necessary that the big sharks behind this heinous crime *i.e.*, the manufacturers, distributors or dealers should not escape the prosecution and punishment and at the same time names of those who are found guilty of an offence under the Prevention of Food Adulteration Act, 1954, should be publicised for the information of the public and for warning the public against buying and consuming the articles produced or distributed or sold by such unscrupulous persons.

Hence this Bill.

NEW DELHI;
The 21st December, 1973.

D. K. PANDA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for publicising the names of those manufacturers, distributors, dealers or vendors who are found to be guilty of an offence under the Prevention of Food Adulteration Act, 1954. It would involve expenditure from the Consolidated Fund of India to the tune of rupees two lakhs annually, in case the Bill is passed.

No non-recurring expenditure is likely to be involved.

BILL NO. 3 OF 1974

A Bill to amend the Banking Companies (Acquisition and Transper of Unde-rtakings) Act, 1970

WHEREAS it is expedient to provide for the acquisition and transfer of the undertakings of some more banking companies;

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Banking Companies (Acquisition and Transfer of Undertakings) Amendment Act, 1974.

(*2*) It shall come into force at once.

Amendment of section 3.

2. In section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (hereinafter referred to as the principal Act), after sub-section (1), the following sub-section shall be inserted, namely:— 5 of 1970.

'(1A) On the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) Amendment Act, 1974, there shall be constituted such corresponding new banks as are specified in the First Schedule "A".'.

Amendment of section 4

3. Section 4 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

'(2) On the commencement of the Banking Companies (Acquisition and Transfer of Undertakings) Amendment Act, 1974; the undertaking of every existing bank, as is specified in the First Schedule "A", shall be transferred to, and shall vest in, the corresponding new bank.'.

Insertion of First Schedule 'A".

4. After the First Schedule to the principal Act, the following Schedule shall be inserted, namely:—

'FIRST SCHEDULE "A"

(*See* sections 3 and 4)

Existing bank	*Corresponding new bank*
Andhra Bank Limited	Andhra Bank.
Vijaya Bank Limited	Vijaya Bank.
Punjab and Sind Bank Limited	Punjab and Sind Bank.'.

STATEMENT OF OBJECTS AND REASONS

In 1970, the Government had nationalised 14 big private banks in our country. That was a right step, though belated, taken with a view that the Government should have decisive control over the financial institutions of the country. This control was taken over by the Government to do social and economic justice to larger sections of the people and also to curb the growing monopoly grip on our economy.

Banks whose deposits exceeded an amount of Rs. 50 crores were the banks which were nationalised at that time.

Now some more private banks in our country have also got fattened with deposits which have exceeded Rs. 50 crores.

There is no reason for not nationalising these banks too. The same arguments which were good for nationalising 14 banks in 1970 are valid for the nationalisation of these banks also.

This step is the logical continuation of the very same policy by which the banks were nationalised in 1970.

Hence this Bill.

NEW DELHI; C. K. CHANDRAPPAN.

The 20th November, 1973.

BILL No. 11 OF 1974

A Bill to provide for the welfare of agricultural workers in the State of Orissa and to regulate the conditions of their work

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Orissa Agricultural Workers Act, 1974.

(*2*) It extends to the whole of the State of Orissa.

(*3*) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "agricultural dispute" means any dispute or difference between landowners and landowners or between landowners and agricultural workers or between agricultural workers themselves which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person;

(b) "agricultural workers" means a person who, in consideration of wages payable to him by a landowner, works on the agricultural land of such landowner;

(c) "landowner means,—

(*i*) in relation to a land personally cultivated, the owner of such land;

(*ii*) in relation to a land held by a cultivating tenant, such cultivating tenant;

(*iii*) in any other case, person in actual possession of the land,

and includes his heirs, assignees and legal representatives;

(*d*) "prescribed wages" means,—

(*i*) wages at such rate, not being less than the minimum rate of wages fixed or revised under the Minimum Wages Act, 1948; or 11 of 1948.

(*ii*) the agreed rate of wages,

whichever is higher; and

(*e*) "wages" means all remuneration, whether payable in cash or in kind, which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment.

Appointment of Conciliation Officers.

3. The Government may, by notification in the Official Gazette, appoint for any area specified therein any officer of the Labour Department not below the rank of Assistant Labour Officer, to be a Conciliation Officer for the purpose of performing the functions entrusted to a Conciliation Officer by or under this Act.

Constitution of Agricultural Tribunals,

4. (*1*) The Government may, by notification in the Official Gazette, constitute for any area specified therein an Agricultural Tribunal, for the purpose of performing the functions of the Agricultural Tribunal under this Act.

(*2*) An Agricultural Tribunal shall consist of a single member who shall be an officer not below the rank of Deputy Collector, appointed by the Government.

Preference for employment as agricultural workers.

5. (*1*) The landowner shall not employ any agricultural worker other than an agricultural worker who has worked on the same land during previous agricultural season.

(2) Where the agricultural workers mentioned in sub-section (*1*) are not available or the number of such agricultural workers available is less than the number required by the landowner for the agricultural operation on his land, then nothing in sub-section (*1*) shall be deemed to prevent the landowner from employing other agricultural workers.

Establishment of Agricultural Workers' Welfare Fund.

6. (*1*) The Government may, by notification in the Official Gazette, frame a scheme to be called the Agricultural Workers' Welfare Fund Scheme for the establishment of a fund for the welfare of agricultural workers and there shall be established, as soon as may be, after the framing of the scheme, a fund to be known as Agricultural Workers' Welfare Fund (hereinafter referred to as the Fund) in accordance with the provisions of the Scheme under this sub-section and the scheme.

(2) The Fund shall vest in, and be administered by, a Board constituted under section 8 of this Act.

Contributions to the Fund.

7. (1) The landowner shall pay contribution to the Fund at the rate of five per cent. of the wages paid by him to each agricultural worker employed by him.

(2) Each agricultural worker shall also pay contribution to the Fund of an amount equal to the amount of contribution payable by the landowner under sub-section (1).

Constitution of the Agricultural Workers' Welfare Fund Board.

8. The Government shall, by notification in the Official Gazette, constitute with effect from such date as may be specified in the notification, a Board to be called the Agricultural Workers' Welfare Fund Board for the administration of the Fund.

Protection from attachment.

9. The amount standing to the credit of any member in the Fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member.

Landowner not to reduce wages, etc.

10. No landowner shall, by reason only of his liability for the payment of any contribution to the Fund, reduce whether directly or indirectly the wages of any agricultural worker to whom the Scheme applies.

Hours of Work.

11. Save as otherwise expressly provided in this Act, no adult agricultural worker shall be required to work for more than seven hours in any day and no adolescent or child for more than five hours in any day.

Wages payable to agricultural workers.

12. Every landowner shall pay to any agricultural worker employed by him the prescribed wages for each day of work done.

Enforcement of payment of prescribed wages.

13. (1) If any landowner pays less than the prescribed wages or refuses to pay the prescribed wages to any agricultural worker, the agricultural worker may make an application to the Conciliation Officer for a direction under sub-section (2).

(2) On receipt of an application under sub-section (1), the Conciliation Officer shall, after giving the applicant and the landholder an opportunity of being heard and after such inquiry, if any, which he may consider necessary, direct—

(a) in the case of a claim arising out of the payment of less than the prescribed wages, the payment to the agricultural worker of the amount by which the prescribed wages payable to him exceeds the amount actually paid by the landowner;

(b) in the case of a claim arising out of non-payment of prescribed wages, the payment of the prescribed wages to the agricultural worker.

Settlement of agricultural disputes.

14. (*1*) Where an agricultural dispute exists or is apprehended, the Conciliation Officer may hold conciliation proceedings and shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the same and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit, for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(*2*) Where no settlement is arrived at, the Conciliation Officer shall, as soon as practicable, refer the matter to the Agricultural Tribunal whose award in the matter shall be final.

Register of agricultural workers.

15. (*1*) **The executive authority of every local body shall prepare a register of agricultural workers residing within the jurisdiction of that local body.**

(*2*) The register shall contain such particulars as may be prescribed.

Maintenance of registers and records by landowners.

16. (*1*) Every landowner shall maintain such registers and records as may be prescribed.

(*2*) The registers and records, referred to in sub-section (*1*) shall be in such form, shall contain such particulars and shall be kept at such place, as may be prescribed.

Bar of jurisdiction of civil courts.

17. No civil court shall entertain any suit or other proceedings to set aside or modify any order or decision passed by any authority or officer or in respect of any other matter falling under sections 3 and 4 of this Act.

Recovery of money due from landowners.

18. (*1*) Where any money is due to an agricultural worker from a landowner under a settlement referred to in sub-section (*1*) of section 13, or an award under sub-section (*2*) of that section, the agricultural worker may without prejudice to any other mode of recovery make an application to the District Collector for the recovery of the money due to him and the District Collector shall proceed to recover the same as if it were an arrear of public revenue due on land.

(*2*) Any amount due from a landowner as contribution to the Fund and any other amount due from a landowner under this Act may, if the amount is in arrear, be recovered as if it were an arrear of public revenue due on land.

Power to recover damages.

19. Where a landowner makes default in the payment of any contribution to the Fund, the Government may recover from him such damages, not exceeding twenty-five per cent. of the amount of arrears, as it thinks fit.

Power to make rules.

20. The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

At present there is no legislation convering agricultural workers except the Minimum Wages Act, 1948. Under this Act, minimum rates of wages of agricultural workers are fixed or revised from time to time. It is considered necessary to make statutory provisions conferring benefits on agricultural workers, such as security of employment, payment of wages higher than those fixed or revised under the Minimum Wages Act in deserving cases and regulation of hours of work. It is also considered necessary to provide for the constitution of an Agricultural Workers Welfare Fund.

In certain cases, settlement of disputes concerning agricultural workers are being settled through voluntary arrangements. But such arrangements have proved to be ineffective. It is therefore considered necessary to make statutory provisions on the lines of those contained in the Industrial Disputes Act for settlement of disputes concerning agricultural workers.

Hence this Bill.

NEW DELHI; D. K. PANDA

The 21st December, 1973.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for the appointment of Conciliation Officers not below the rank of Assistant Labour Officers. Clause 4 of the Bill envisages the appointment of single member Agricultural Tribunals. Even though it is not proposed to appoint separate staff for the above purposes, it might be necessary to appoint some additional staff for some areas of the State. In other parts of the State, the existing staff of the Labour Department and the existing Deputy Collectors will be entrusted with the work. Clause 8 provides for the constitution of an Agricultural Workers' Welfare Fund Board, staff for which will have to be provided. Clause 15 of the Bill provides for preparation of a register of agricultural workers. It is estimated that a recurring expenditure of rupees ten lakhs will be involved from the Consolidated Fund of the State of Orissa.

A non-recurring expenditure of about rupees five lakhs is also likely to be involved from the Consolidated Fund of the State of Orissa.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Government to frame rules for carrying out the purposes of the Act. Rules will provide for matters of details only. The delegation of power is, therefore, of a normal character.

S. L. SHAKDHER,
Secretary-General.

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